



STAFF REVIEW

Variance Case #: V2014-40

Legistar #: 20140950

City Council Hearing: Wednesday, November 12, 2014 – 7:00 p.m.

Property Owner: HD Greene Investments, Inc. and J. C. Cook
1309 Town Lake Hts.
Woodstock, GA 30189

Applicant: Mr. Jon Campbell, Regional V.P.
CBS Outdoor, LLC.
3745 Atlanta Industrial Drive, N. W.
Atlanta, GA 30331

Agent: Scott W. Peters
Schreeder, Wheeler & Flint, LLP
1100 Peachtree Street, N.E.
Suite 800
Atlanta, GA 30309-4516

Address: 1200 Gresham Road

Land Lot: 11660 **District:** 16 **Parcel:** 0070

Council Ward: 7A **Existing Zoning:** CRC (Community Retail Commercial)

Special Exception / Special Use / Variance(s) Requested:

1. Variance to reduce the rear setback for a billboard support structure from 35' to 22.' §708.16 (H.); §714.04 (G.)(1.); §714.04 (G.)(8.)
2. Variance to reduce the rear setback for billboard sign faces to 19.' §708.16 (H.); §714.04 (G.)(1.); §714.04 (G.)(8.)
3. Variance to reduce the side setback for billboard sign faces to 0.' §708.16 (H.); §714.04 (G.)(1.); §714.04 (G.)(8.)
4. Variance to locate a billboard within 1,000' of other billboards. §714.04 (G.)(5.)
5. Variance to locate a billboard on a substandard lot. §708.16 (H.); §714.04 (G.)(1.); §714.04 (G.)(5.); §704.04
6. Variance to reduce the minimum lot width from 100' to 72.' §708.16 (H.); §714.04 (G.)(1.); §714.04 (G.)(8.)
7. Variance to locate a billboard within 500' of a residential zoning district. §714.04 (G.)(2.)

Statement of Fact

As per section 720.03 of the Comprehensive Development Code of Marietta, the Board of Zoning Appeals may alter or modify the application of any such provision in the Development Code

because of unnecessary hardship if doing so shall be in accordance with the general purpose and intent of these regulations, or amendments thereto, and only in the event the board determines that by such alteration or modification unnecessary hardship may be avoided and the public health, safety, morals and general welfare is properly secured and protected. In granting any variance the board of zoning appeals shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of these regulations and may designate conditions to be performed or met by the user or property owner, out of regard for the public health, safety, comfort, convenience, and general welfare of the community, including safeguards for, with respect to light, air, areas of occupancy, density of population and conformity to any master plan guiding the future development of the city. The development costs of the applicant as they pertain to the strict compliance with a regulation may not be the primary reason for granting a variance.

Criteria:

1. Exceptional or extraordinary circumstances or conditions *are/are not* applicable to the development of the site that do not apply generally to sites in the same zoning district.
2. Granting the application *is/is not* necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship.
3. Granting the application *will/will not* be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare.

PICTURES



North facing (static) panel – 1200 Gresham Road

Staff Review:

As part of its Northwest Corridor Project, the Georgia Department of Transportation (GDOT) will be widening I-75 westward in order to construct elevated, managed lanes. This is resulting in the condemnation of properties, many of which contain legally nonconforming billboards, along the west side of I-75. In this case, the existing billboard is to be acquired by GDOT and removed from the property; and the applicant is requesting multiple variances that would allow a new billboard to be constructed on the 5,190 sq.ft. portion of the property that will not be acquired by GDOT.

Scott Peters, agent for CBS Outdoor LLC, is requesting variances to allow the relocation of a billboard at 1200 Gresham Road. The property is zoned CRC (Community Retail Commercial) and contains frontage along Chert Road to the west, Gresham Road to the north, and I-75 to the east. Adjacent to the subject property to the south is a vacant, substandard lot zoned OI (Office Institutional).

Section 714.04 (G.) states that “No billboard lawfully in existence on December 11, 2013 shall be altered or moved unless it is made to comply with the provisions of this Division.” Additionally, Section 714.06 (C.)(3.) states that “no structural repairs or changes in the size, shape, location, or design of this sign shall be permitted except to make the sign comply with the requirements of this article.” In order to relocate the sign, the following variances would be necessary:

1. Variance to reduce the rear setback for a billboard support structure from 35’ to 22.’
2. Variance to reduce the rear setback for billboard sign faces to 19.’ Variance to reduce the side setback for billboard sign faces to 0.’
3. Variance to locate a billboard within 1,000’ of other billboards.
4. Variance to locate a billboard on a substandard lot.
5. Variance to reduce the minimum lot width from 100’ to 72.’
6. Variance to locate a billboard within 500’ of a residential zoning district.

It is worth noting that the letter provided by the applicant states that the existing sign is “approximately 70’ tall (above adjoining road grade)” and that they would like to request that the new sign be relocated but “not...to increase the size or height.” The applicant has not provided the specific height of the sign, but Staff would like to point out that zoning regulations limit billboards to 70’ above I-75 road grade. No variance for height has been included with this request. Because the applicant has not listed the existing height, Staff is unclear whether the replaced sign will meet code. The applicant will need to either clarify that the sign will not exceed the height limit or revise his request to add a variance for height.

As stated above, the existing billboard is to be acquired by GDOT and removed from the property; and the applicant is requesting multiple variances that would allow a new billboard to be constructed on the 5,190 sq.ft. portion of the property that will not be acquired by GDOT.



Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Brian Binzer, Director

This request for variances was discussed by City Council on Wednesday October 8, 2014, and there were questions about the area of the property and the possibility of acquiring additional property. After a lengthy discussion the matter was tabled until the next regularly scheduled City Council meeting on Wednesday November 12, 2014.